

## Amendments To The Claims

1. (cancelled) A fence for tracking a sloped grade of a portion of a terrain surface for attaching to adjacent ones of the fence panel to define an elongate length of fencing along the terrain surface, comprising:

a first rail disposed parallel and spaced-apart from a second rail, said rails defining a longitudinal length of the fence panel and each rail defining opposing first and second side edges, said rails disposed at an angle relative to horizontal; and

a plurality of spaced-apart pickets defining a pair of opposing outer pickets and a plurality of inner pickets, said pickets disposed substantially perpendicular to horizontal and attached to the rails with fasteners such that said inner pickets attach to

whereby the fence panel, being racked by moving opposing end of the panel in opposing directions transverse to the longitudinal axis of the rails, conforms a slope of the rails substantially to the slope of the portion of the ground surface by changing the angle between the pickets and the rails while the pickets remain substantially perpendicular to horizontal without the first and second rails rolling away from the inner and outer pickets.

2. (cancelled) The fence as recited in claim 1, wherein the fasteners comprise flexible mild steel welds.

3. (currently amended) The fence as recited in claim 1 and 20, further comprising a pair of end posts attached to opposing ends of the first and second rails longitudinally outwardly of the end pickets and extending sufficiently in a first direction for seating a portion thereof in the terrain

surface, whereby a fence panel stands in an installed position relative to the terrain surface adjacent ~~fence panels connect to the end posts to define a longitudinal section of a fence.~~

4. (currently amended) The fence panel as recited in claim 3, further comprising:  
angle members, each having a first and a second leg, the first leg of each angle member attached to a distal end of one of the first and second rails and the second leg defining a pair of holes; screws extending through the holes to secure the rails to a respective one of the fence posts.

5. (currently amended) The fence panel as recited in claim ~~1~~ 20, wherein the fence panel is selectively racked during installation between about 0 and 20 degrees relative to the angle at which the first and second rails are disposed when the first and second rails and the end and interior pickets are initially attached together.

6. (currently amended) The fence panel as recited in claim ~~1~~ 20, wherein the angle at which the first and second rails are disposed is between about 0 degrees and 60 degrees.

7. (currently amended) The fence panel as recited in claim 6 , wherein the fence panel is selectively racked during installation between about 0 and 20 degrees relative to the angle at which the first and second rails are disposed when the first and second rails and the end and interior pickets are initially attached together.

8. (currently amended) The fence panel as recited in claim ~~1~~ 20, wherein the angle at which the first and second rails are disposed is selected from the group comprising the angles of 0 degrees, 20 degrees, 40 degrees, and ~~and~~, 60 degrees.

9. (currently amended) The fence panel as recited in claim 8, wherein the fence panel is selectively racked during installation between about 0 and 20 degrees relative to the angle at which the first and second rails are disposed when the first and second rails and the end and interior pickets are initially attached together.

10. (currently amended) The fence panel as recited in claim ~~1~~ 20, wherein the rails are four-wall tubular members.

11. (currently amended) The fence panel as recited in claim ~~1~~ 20, further comprising angle members, each having a first and a second leg, the first leg of each angle member attached to a distal end of one of the first and second rails and the second leg defining a pair of holes for receiving screws for attaching to a fence post.

12. (currently amended) A fence panel readily adjustable to track substantially a slope of a terrain during installation thereof, comprising:

a pair of elongate rails disposed in parallel spaced-apart relation and at an angle relative to horizontal to define a longitudinal length of a fence panel, the rails each defining opposing first and second side edges, ~~the pair of rails comprises a first rail and a second rail;~~

a plurality of inner pickets and a pair of outer pickets attached to the ~~first and the second~~ rails by fasteners such that the inner pickets attach to the first side edge of the respective rail and the outer pickets attach to the opposing second side edge of the respective rail,

whereby the rails attached to the inner pickets at an edge opposing the edge at which the rails attach to the outer pickets, restrict rolling way from the inner and outer pickets while the fence panel during installation in a fence over a terrain ~~is adjustable~~ adjusts to a slope of a portion of the terrain by moving opposing ends of the fence panel in opposing directions transverse to the longitudinal axis of the rails while the pickets remain substantially perpendicular to horizontal ~~without the first and second rails rolling away from the inner and outer pickets.~~

13. (original) The fence panel as recited in claim 12, wherein the fasteners comprise flexible mild steel welds.

14. (original) The fence panel as recited in claim 13, wherein the angle at which the rails are disposed is between about 0 degrees and 60 degrees.

15. (original) The fence panel as recited in claim 14, wherein the fence panel is selectively

racked during installation between about 0 and 20 degrees relative to the angle at which the rails are disposed when the rails and pickets are initially attached together.

16. (original) The fence panel as recited in claim 15, further comprising a pair of end posts attached to opposing ends of the rails, whereby adjacent fence panels connect to the end posts to define a longitudinal section of a fence.

17. (original) The fence panel as recited in claim 16, further comprising;  
angle members, each having a first and a second leg, the first leg of each member attached to a distal end of one of the rails and the second leg defining a pair of holes;  
screws extending through the holes to secure the rails to a respective one of the fence posts.

18. (original) The fence panel as recited in claim 16, wherein the rails are four-wall tubular members.

19. (currently amended) A method of making a fence section for tracking a sloped grade during installation of a fence over a terrain, comprising the steps of:

(a) disposing a pair of rails parallel and spaced-apart at an angle to a horizontal plane to define a longitudinal length of a fence panel, the rails defining opposing first and second side edges relative to a terrain;

(b) attaching a plurality of inner pickets to [a respective one of] a side of the rails and disposed substantially perpendicular to the horizontal plane with fasteners [such that the fasteners are] between the inner pickets and the first side edge of the ~~respective rail~~ rails; and

(c) attaching a pair of opposing outer pickets to a side of the rails at opposing ends of the ~~respective rail~~ rails and disposed substantially perpendicular to the horizontal plane by fasteners between the outer pickets and the opposing second side edge of the rails, ~~respective rail~~; and

~~(d) repeating steps (b) and (c) for the other of the pair of rails,~~

whereby the attachment of the inner pickets to the rails opposing the attachment of the outer pickets to the rails, restrict the rails from rolling away from the inner and outer pickets while racking the fence section, ~~being racked~~ by moving opposing ends of the fence section in opposing directions transverse to the longitudinal axis of the rails, ~~conforms to~~ conform a slope of the rails substantially to a slope of a portion of the terrain by changing the angle between the inner and outer pickets and the rails while the inner and outer pickets remain substantially perpendicular to horizontal ~~without the rails rolling away from the inner and outer pickets.~~

20. (New) A fence for tracking a sloped grade of a portion of a terrain surface for attaching to adjacent ones of the fence panel to define an elongate length of fencing along the terrain surface, comprising:

a first rail and a second rail disposed in parallel, spaced-apart relation to each other and defining a longitudinal length of the fence panel, each of said first rail and second rail defining respective opposing first longitudinal edge and second longitudinal edge spaced apart relative to a terrain surface, and said rails disposed at an angle relative to horizontal;

a pair of spaced-apart end pickets disposed substantially perpendicular to horizontal on a first side of the first rail and the second rail at opposing longitudinal end portions of the first rail and the second rail and attached thereto by a weld between each of the end pickets and the respective first longitudinal edge of the first rail and the second rail;

a plurality of interior pickets disposed substantially perpendicular to horizontal on a first side of the first rail and the second rail, said interior pickets spaced-apart between the end pickets, said interior pickets attached to the first rail and the second rail by a weld between each of the interior pickets and the respective second longitudinal edge of the first rail and the second rail,

whereby the end pickets and the interior pickets connect on opposing longitudinal edges of the first rail and the second rail so that the fence panel, being racked by moving opposing ends of the panel in opposing vertical directions relative to the terrain surface, conforms a slope of the first rail and the second rail substantially to a slope of the portion of the terrain surface by changing the angle between the end and inner pickets and the first and second rails while the end and interior pickets remain substantially perpendicular to horizontal without the first and second rails rolling away from the inner and outer pickets.